

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:18-cv-00247-JR**

American Civil Liberties Union of Oregon, Inc. v. U.S.
Department of Homeland Security et al
Assigned to: Magistrate Judge Jolie A. Russo
Cause: 05:552 Freedom of Information Act

Date Filed: 02/07/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

**American Civil Liberties Union of
Oregon, Inc.**

represented by **Alicia J. LeDuc**
Davis Wright Tremaine, LLP
1300 SW Fifth Avenue
Suite 2400
Portland, OR 97201-5630
503-778-5236
Fax: 503-778-5299
Email: alicialeduc@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Derek D. Green
Davis Wright Tremaine, LLP
1300 SW Fifth Avenue
Suite 2400
Portland, OR 97201-5630
(503) 778-5264
Fax: (503) 778-5299
Email: derekgreen@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leland Baxter-Neal
American Civil Liberties of Oregon
PO Box 40585
Portland, OR 97240
503-224-4161
Email: lbaxter-neal@aclu-or.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mathew W. dos Santos
ACLU of Oregon
P.O. Box 40585
Portland, OR 97240
503-227-6928
Email: mdossantos@aclu-or.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelly K. Simon
ACLU of Oregon
P.O. Box 40585
Portland, OR 97240
503-444-7015
Email: ksimon@aclu-or.org
TERMINATED: 09/04/2018

V.

Defendant

U.S. Department of Homeland Security

represented by **Kevin C. Danielson**
 US Attorney's Office
 1000 S.W. Third Avenue
 Suite 600
 Portland, OR 97204
 503-727-1000
 Fax: 503-727-1117
 Email: kevin.c.danielson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. Immigration and Customs
 Enforcement**

represented by **Kevin C. Danielson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/07/2018	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-5305126 Filer is subject to the requirements of Fed. R. Civ. P. 7.1. Jury Trial Requested: No. Filed by American Civil Liberties Union of Oregon, Inc. against U.S. Department of Homeland Security, and U.S. Immigration and Customs Enforcement (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Civil Cover Sheet Civil Cover Sheet, # <u>12</u> Proposed Summons USA DoF, USA DoJ, Dept of Homeland Security). (Green, Derek) Modified to correct parties in docket text on 2/7/2018 (sss). (Entered: 02/07/2018)
02/07/2018	<u>2</u>	Corporate Disclosure Statement . Filed by American Civil Liberties Union of Oregon, Inc.. (Green, Derek) (Entered: 02/07/2018)
02/08/2018	<u>3</u>	Notice of Case Assignment to Magistrate Judge Paul Papak and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 6/8/2018. Joint Alternate Dispute Resolution Report is due by 7/9/2018. Pretrial Order is due by 7/9/2018. Ordered by Magistrate Judge Paul Papak. (jtj) (Entered: 02/08/2018)
02/08/2018	<u>4</u>	Summons Issued Electronically as to U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (jtj) (Entered: 02/08/2018)
02/13/2018	<u>5</u>	Amended Corporate Disclosure Statement . Filed by American Civil Liberties Union of Oregon, Inc.. (Green, Derek) (Entered: 02/13/2018)
03/14/2018	<u>6</u>	Answer to <u>1</u> Complaint,, . Filed by U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security. (Danielson, Kevin) (Entered: 03/14/2018)
03/14/2018	<u>7</u>	ORDER issued by Magistrate Judge Paul Papak: Rule 16 Conference set for 5/7/2018 at 1:30PM in Portland Chambers before Magistrate Judge Paul Papak. Local Rules 16-2(b) and 26-1 require that counsel confer prior to the conference. At the conference, counsel should be prepared to discuss the status of the case, relevant dates and deadlines, and any other significant issues. If consents are going to be filed, it is helpful if they are filed prior to the time of the conference, particularly if a firm trial date is desired. (gm) (Entered: 03/14/2018)
05/04/2018	<u>8</u>	Joint Status Report . Filed by American Civil Liberties Union of Oregon, Inc.. (Green, Derek) (Entered: 05/04/2018)
05/04/2018	<u>9</u>	Fed. R. Civ. P. 26(a)(1) Agreement . Filed by American Civil Liberties Union of Oregon, Inc.. (Green, Derek) (Entered: 05/04/2018)
05/07/2018	<u>10</u>	MINUTES OF PROCEEDINGS before Magistrate Judge Paul Papak: Rule 16 Conference held 5/7/18. Order: All case deadlines are Stayed. Formal order to follow.

		Order: Setting a Telephonic Status Conference for 6/26/2018 at 10:00AM in Portland Chambers before Magistrate Judge Paul Papak. The parties shall call into the court's conference line (phone number to be provided via separate e-mail) five minutes prior to the scheduled conference time. The court will join the conference call at or shortly after the appointed time. Derek Green present as counsel for plaintiff(s). Kevin Danielson present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 05/07/2018)
05/07/2018	<u>11</u>	ORDER regarding discovery issues. Signed on 5/7/18 by Magistrate Judge Paul Papak. (gm) (Entered: 05/08/2018)
06/26/2018	<u>12</u>	MINUTES OF PROCEEDINGS before Magistrate Judge Paul Papak: Telephonic Status Conference held 6/26/18. Order: All case deadlines remain Stayed. Formal order to follow. Order: Setting a further Telephonic Status Conference for 8/31/2018 at 10:00AM in Portland Chambers before Magistrate Judge Paul Papak. The parties shall call into the court's conference line (phone number to be provided via separate e-mail) five minutes prior to the scheduled conference time. The court will join the conference call at or shortly after the appointed time. Derek Green; Alicia LeDuc; Kelly Simon present as counsel for plaintiff(s). Kevin Danielson present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 06/27/2018)
06/26/2018	<u>13</u>	ORDER: Defendants are to produce 2,500 pages of records per month in July and in August 2018. Signed on 6/26/18 by Magistrate Judge Paul Papak. (gm) (Entered: 06/27/2018)
08/30/2018	<u>14</u>	Status Report by American Civil Liberties Union of Oregon, Inc.. Filed by American Civil Liberties Union of Oregon, Inc.. (Green, Derek) (Entered: 08/30/2018)
08/31/2018	<u>16</u>	MINUTES OF PROCEEDINGS before Magistrate Judge Paul Papak: Telephonic Status Conference held 8/31/18. Formal order to follow. Order: The parties shall file a formal Joint Status Report as specified at the conference by no later than 11/19/2018. Derek Green; Alicia LeDuc; Leland Baxter-Neal present as counsel for plaintiff(s). Kevin Danielson present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 09/05/2018)
09/04/2018	<u>15</u>	Notice of Attorney Substitution: Attorney Leland Baxter-Neal is substituted as counsel of record in place of Attorney Kelly K. Simon Filed by American Civil Liberties Union of Oregon, Inc.. (Simon, Kelly) (Entered: 09/04/2018)
09/04/2018	<u>17</u>	ORDER: I order Defendants to produce in the month of September 2018 all documents in their possession that are subject to the seventeen (17) search terms provided by Plaintiff and related to the September 2017 incident. I order Defendants to produce 5,000 pages of records per month in October and November 2018 and to make a good faith effort to avoid producing duplicates in that document production. I order that the parties submit a formal Joint Status Report on or before November 19, 2018. Signed on 9/4/18 by Magistrate Judge Paul Papak. (gm) (Entered: 09/05/2018)
09/20/2018	<u>18</u>	Notice of Case Reassignment: This case has been reassigned from Magistrate Judge Paul Papak to Magistrate Judge Jolie A. Russo. (eo) (Entered: 09/20/2018)
11/19/2018	<u>19</u>	ORDER issued by Magistrate Judge Jolie A. Russo: Granting Defendants' unopposed E-mail Request dated 11/19/18 for a 2-day extension of time as follows: The parties shall file a formal Joint Status Report no later than 11/21/2018. (gm) (Entered: 11/19/2018)
11/21/2018	<u>20</u>	Joint Status Report . Filed by American Civil Liberties Union of Oregon, Inc.. (Attachments: # <u>1</u> Attachment Declaration of ICE Deputy FOIA Officer Toni Fuentes) (Green, Derek) (Entered: 11/21/2018)
11/27/2018	<u>21</u>	ORDER issued by Magistrate Judge Jolie A. Russo: Setting a Telephonic Scheduling Conference for 11/28/2018 at 3:00PM in Portland Chambers before Magistrate Judge Jolie A. Russo. (gm) (Entered: 11/27/2018)
11/28/2018	<u>22</u>	MINUTES of Proceedings: Telephone Status and Scheduling Conference held before Judge Russo. At the parties' request, the court held a telephone hearing to discuss plaintiff's FOIA Request and defendants' document production schedule. Defendants are ordered to produce all outstanding documents (approximately 18,000) by July 1, 2019. Defendants' production amount may fluctuate depending on agency resources

		each month. Production must be at a rate of at least 2,000 documents per month with a larger number as defendants' resources allow. Any issues regarding document redaction will be decided upon completion of the document production. Plaintiff's request for discovery into defendants' resource allocation is denied. Plaintiff may return to the court with any additional information that may controvert defendants' declaration regarding ICE FOIA Office Workload and Resources, at which point the Court will reconsider plaintiff's request to increase production or engage in limited discovery relating to ICE's resources, technologies, and prioritization practices. Finally, the parties are ordered to file a Joint Status Report as well as a proposed case schedule by July 15, 2019. Derek Green, Mathew dos Santos, Alicia LeDuc, Leland Baxter-Neal present as counsel for plaintiff. Kevin Danielson present as counsel for defendant. Magistrate Judge Jolie A. Russo presiding. (peg) Modified on 11/30/2018 to correct names of counsel present for Plaintiff. NEF regenerated to the parties. (gm) (Entered: 11/29/2018)
12/27/2018	<u>23</u>	Unopposed Motion for Stay of Deadlines in Light of Lapse of Appropriations. Filed by All Defendants. (Danielson, Kevin) (Entered: 12/27/2018)
12/27/2018	24	ORDER issued by Magistrate Judge Jolie A. Russo: Granting the Federal Defendants' Unopposed Motion for Stay of Deadlines in Light of Lapse of Appropriations <u>23</u> . The deadlines in this case are Stayed until Department of Justice attorneys are permitted to resume their usual civil litigation functions. Counsel shall notify the Court as soon as Congress has appropriated funds for the Department and move to extend deadlines accordingly. (gm) (Entered: 12/27/2018)
01/30/2019	<u>25</u>	Notice re Order on motion for stay, 24 Filed by U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. (Related document(s): Order on motion for stay, 24 .) (Danielson, Kevin) (Entered: 01/30/2019)
01/30/2019	26	ORDER issued by Magistrate Judge Jolie A. Russo: Based on the Federal Defendants' Notice of Restoration <u>25</u> , the Stay of this case due to appropriations issue is Lifted. This case shall proceed as directed in the court's earlier Order 22 . (gm) (Entered: 01/30/2019)
02/07/2019	<u>27</u>	Unopposed Motion to Modify the Scheduling Order. Filed by All Defendants. (Danielson, Kevin) (Entered: 02/07/2019)
02/08/2019	28	ORDER issued by Magistrate Judge Jolie A. Russo: Defendants' unopposed Motion to Modify the Scheduling Order <u>27</u> is Granted. By the end of February 2019, defendants shall produce a minimum of 2,000 pages of documents. Thereafter, defendants' production must be at a rate of at least 2,000 documents per month with a larger number as agency resources allow. All outstanding documents are due by August 1, 2019. The parties are ordered to file a Joint Status Report as well as a proposed case schedule by August 15, 2019. (gm) (Entered: 02/08/2019)
08/13/2019	<u>29</u>	Joint Status Report . Filed by American Civil Liberties Union of Oregon, Inc.. (Green, Derek) (Entered: 08/13/2019)
08/13/2019	30	ORDER issued by Magistrate Judge Jolie A. Russo: Granting the parties' request as outlined in their Joint Status Report <u>29</u> for an extension of time to 9/16/2019 to submit their proposed case schedule. Counsel are also reminded to include the correct judge's initials 'JR' following the case number on all future pleadings. (gm) (Entered: 08/13/2019)
09/16/2019	<u>31</u>	Joint Status Report . Filed by American Civil Liberties Union of Oregon, Inc.. (LeDuc, Alicia) (Entered: 09/16/2019)
09/23/2019	32	ORDER issued by Magistrate Judge Jolie A. Russo: Upon review of the parties' Joint Status Report <u>31</u> , the Court sets the following schedule: The parties are to submit a proposed case schedule by 10/25/2019. Order: Setting a Telephonic Status Conference for 11/4/2019 at 2:00PM in Portland Chambers before Magistrate Judge Jolie A. Russo. (gm) (Entered: 09/23/2019)